

HOUSE No. 2738

By Mr. Smizik of Brookline, petition of Frank I. Smizik and others for legislation to further regulate the use of certain cleaning products in schools, hospitals, day care centers and public housing to provide for a reduction in asthma and other health threats. Public Health.

The Commonwealth of Massachusetts

PETITION OF:

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In the Year Two Thousand and Five.

AN ACT TO REDUCE ASTHMA BY USING SAFER ALTERNATIVES TO CLEANING PRODUCTS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 111 of the General Laws is hereby
2 amended following section 5R by inserting the following section:

3 Section 5S. (a) *Title*. This section shall be referred to as “The
4 Safer Cleaning Products Act”

5 (b) *Purpose*. The purpose of this section is to reduce asthma
6 and other health threats from emissions of toxic chemicals from
7 cleaning products used in schools, hospitals and other health care
8 facilities, day care centers, public buildings, and common areas of
9 public housing.

10 (c) *Definitions*. For the purposes of this section the following
11 words shall have the following meanings:

12 “Cleaning product”, a product intended for use for routine
13 cleaning, including but not limited to general purpose cleaners,
14 bathroom cleaners, glass cleaners, carpet cleaners, disinfectants,
15 floor care products, and hand soaps.

16 “Commissioner”, the commissioner of the department of public
17 health.

18 “Day care center”, any public or private facility operated on a
19 regular basis whether known as a day nursery, nursery school,
20 kindergarten, child play school, progressive school, child develop-
21 ment center or preschool, or known under any other name, which
22 receives children not of common parentage who are not more than
23 six years of age, or who are not more than 21 years of age if such
24 children have special needs, for nonresidential custody and care
25 during part or all of the day separate from their parents. Day care
26 center shall not include: any part of a public school system; any

27 part of a private, organized educational system, unless the services
28 of such system are primarily limited to kindergarten, nursery or
29 related preschool services; periodic religious instruction classes
30 conducted by a religious institution; a facility operated by a reli-
31 gious organization where children are cared for during short
32 periods of time while persons responsible for such children are
33 attending religious services; a family day care home; an informal
34 cooperative arrangement among neighbors or relatives; or the
35 occasional care of children with or without compensation.

36 “Environmentally preferable purchasing criteria,” means stan-
37 dards for evaluating products such as those defined by the state
38 Operational Services Division; such standards include but are not
39 limited to products which are not toxic to humans, and that do not
40 contain any ingredients which are carcinogens or which are
41 known to cause reproductive toxicity, is not corrosive to the skin
42 or eyes, is not a sensitizer, is not combustible, does not contribute
43 to the production of photochemical smog, tropospheric ozone
44 depletion, or poor indoor air quality, is not toxic to aquatic life,
45 does not contain more than 0.5% by weight of total phosphorus,
46 and which does exhibit biodegradability.

47 “Health care facility”, a health care facility as defined in
48 section nine C of chapter one hundred and twelve.

49 “Safer cleaning product”, a cleaning product which is listed on
50 the Safer Cleaning Product List established by the Department
51 pursuant to this section.

52 “Hospital”, any hospital licensed under section fifty-one of
53 chapter one hundred and eleven, the teaching hospital of the Uni-
54 versity of Massachusetts Medical School and any psychiatric
55 facility licensed under section nineteen of chapter nineteen.

56 “Public building” means any building owned, occupied, or used
57 by any public entity including but not limited to the common-
58 wealth and any county, city, town, or school district.

59 “Public housing”, any federal, state or municipally subsidized
60 housing or housing project.

61 “School”, any educational institution including but not limited
62 to any public or private elementary, middle, high school, junior
63 college, college, university, school of medicine, or law school.

64 (d) Product Restrictions. No cleaning product may be used in
65 any school, hospital, health care facility, day care center, public

66 building, or common area of public housing in Massachusetts
67 unless said cleaning product is contained on the list of safer
68 cleaning products established by the commissioner pursuant to
69 this section.

70 (e) Safer Cleaning Products List. No later than January 1 each
71 even numbered year the commissioner shall prepare and release to
72 the public the safer cleaning products list. Said list shall include
73 only those cleaning products that:

74 (1) are determined to be an environmentally preferable product
75 by the Massachusetts Operational Services Division pursuant to
76 the environmentally preferable purchasing criteria; and

77 (2) do not contain ingredients that the commissioner has deter-
78 mined as asthma-causing agents (asthmagens) unless a safer alter-
79 native is not available; the commissioner may consult available
80 sources such as the criteria for designating substances as occupa-
81 tional asthmagens and the list of asthmagens prepared by the
82 Association of Occupational and Environmental Clinics in making
83 such determinations;

84 (3) Provided however that the commissioner shall establish, in
85 consultation with representatives of the administration and staff of
86 a hospital or other health care facility, a separate list of the safest
87 alternative disinfectants which are applicable only for use in areas
88 of hospitals or health care facilities which require the application
89 of special disinfectants for medical reasons.

90 The commissioner shall annually review the safer cleaning
91 products list and make changes as necessary to ensure that the
92 safest available cleaning products are on the list.

93 (f) *Training and Field Testing.*

94 (1) The commissioner shall establish a program to require the
95 training of all cleaning personnel in the use and disposal of the
96 products on the safer cleaning products list in the field, at day care
97 centers, schools, hospitals, health care facilities, public buildings,
98 and public housing with the cooperation of the cleaning personnel
99 who actually use and dispose the products in the course of their
100 employment.

101 (2) For purposes of developing the training program and con-
102 firming the safety and effectiveness of products utilized under this
103 program, the Commissioner shall also convene teams of janitorial
104 staff for schools, day care, hospitals, public housing, and all other

105 state buildings, supported by technical experts, property manage-
106 ment, representatives of relevant trade unions and other building
107 occupants. Such teams will field test safer cleaning products and
108 proposed training guidelines and assist the Commissioner in con-
109 firming the safety and effectiveness of cleaning products autho-
110 rized under paragraph (e).

111 Based on the results of these teams, the Commissioner will
112 develop training guidelines for each of the four settings and
113 develop a plan for implementation that ensures training for all jan-
114 itorial staff.

115 (g) *Grant Program*. The commissioner shall establish a grant
116 program to train cleaning personnel in the use of healthy cleaning
117 products and to compensate the participating cleaning personnel
118 for their participation in the testing program.

119 (i) *Accommodation of Chemically Sensitive Individuals*.
120 Nothing in this section shall preclude an individual from
121 requesting a facility to use or for a facility from using a cleaning
122 product not on the safer cleaning products list as an accommoda-
123 tion to a person who is chemically sensitive.

124 (j) *Reasonable Fee*. The commissioner shall require manufac-
125 turers of cleaning products to pay a reasonable fee to cover the
126 costs for the department to collect and review the requested infor-
127 mation, to develop and maintain the safer cleaning products list,
128 and to conduct the field testing program.

129 (k) *Penalties*. Any facility manager or owner who uses a
130 cleaning product in violation of this act shall be punished by a
131 fine of not less than five hundred dollars nor more than one thou-
132 sand dollars. Any person who sells, or distributes a cleaning
133 product in violation of this act shall be punished by a fine of not
134 less than one thousand dollars and not more than twenty-five
135 thousand dollars for each twenty-four hour period during which
136 such violation occurs. The department of public health may seize
137 any cleaning product held for sale or distribution in violation of
138 this section. The seized cleaning product shall be forfeited.

1 SECTION 2. Section 1 shall take effect one year from the date
2 of enactment.